

SOFTWARE LICENSE COMPLIANCE POLICY

1. PURPOSE

This Directive:

- a. Establishes guidelines for APHIS compliance with software licensing agreements and copyrights. Computer software is protected by Federal Copyright law (Title 17, United States Code, (U.S.C.) Section 106), which requires all users of a particular software program to have a license authorizing its use. APHIS' purpose is to fully comply with the law and avoid copyright infringement violations.
- b. Implements Executive Order 13103, Computer Software Piracy.
- c. Holds copyright infringers liable for damages to the copyright owner. Title 18, U.S.C., provides felony penalties for software copyright infringement.

2. AUTHORITIES

- a. Title 17, U.S.C., Sections 105 and 106.
- b. Executive Order 13103, Computer Software Piracy.
- c. The Federal Managers' Financial Integrity Act (Public Law (P.L.) 97-255).
- d. The Privacy Act (P.L. 93-579).
- e. The Accounting and Auditing Act of 1950 (Title 64, U.S.C., Statute 832; Title 31 U.S.C. 65).
- f. The Computer Fraud and Abuse Act of 1986 (P.L. 99-474).
- g. The Computer Security Act of 1987 (P.L. 100-235).
- h. APHIS Directive 3140.1, APHIS Information Systems Security (ISS) Program, dated 9/15/99.
- i. United States Department of Agriculture (USDA) Office of Information Resources Management, Department Manual 3140-1, ADP Security Manual.

- j. Executive Order 10450, Security Requirements for Government Employment.

3. POLICY

- a. APHIS employees will protect the Government's interests whenever they use commercially acquired computer software to perform their duties. This includes responsibility for ensuring that commercial software is properly and legally acquired, licensed, accounted for, reproduced, distributed, transmitted, disposed of, and otherwise used only in accordance with licensing agreements.
- b. Each APHIS employee will take appropriate measures to ensure that Government contractors and recipients of grants and other Federal funding do not use such funds to acquire, create, operate, or maintain computer software in violation of applicable copyright laws.
- c. Employees may download software from websites that is deemed an effective tool in accomplishing the APHIS mission, if such software is legally acquired. Employees must download and test for computer viruses prior to its use in the APHIS computing environment. Employees should consult the Information Systems Security Officer for guidance in this area. Employees must maintain the software licenses for these products.

4. RESPONSIBILITIES

- a. The Information Technology Coordinating Staff (ITCS) will establish and maintain the Agency's official software inventory or recordkeeping system for Agency standard software.
- b. Supervisors will:
 - (1) Ensure that the computer licensing compliance requirements identified in 4.c. below are made known to employees.
 - (2) Be held accountable for ensuring that these requirements are being followed.
- c. Employees will follow the computer licensing requirements listed below:
 - (1) Install and maintain only legally procured software on their computer and/or network. Generally, the legal software has been purchased through the Government procurement process.
 - (2) Follow all provisions of the license agreements issued with the software and register organizational ownership.

- (3) Not make illegal copies of copyrighted software. Generally, the license will allow a single copy to be made for archival purposes. If the license is for multiple users, the authorized number of copies must not be exceeded.
- (4) Maintain written records of software, other than Agency standard software, installed on each machine and ensure that a license or other proof of ownership is on file for each piece of software.
- (5) Retain the current version of other than Agency standard software, software manuals, and procurement documentation in a secure location (i.e., closed file cabinet, drawer, or shelf, etc.)
- (6) Dispose of the old version of software in accordance with the licensing agreement to avoid a potential violation whenever upgrades to software are purchased.
- (7) Adhere to the software licensing agreements in conjunction with Work-At-Home guidelines when using copies of Government-owned software for use on their personally owned computers under specific circumstances (e.g., for Government work but not personal business).
- (8) Adhere to the software licensing agreements when using copies of Government-owned software on both their Government-owned portable laptop computers and their desktops.

5. EXEMPTIONS

This Directive does not apply to software developed by or for a Federal agency and no restrictions apply to its use or distribution within the Federal government.

6. PENALTIES

Employees not following these procedures will be held personally liable for any violations of the copyright laws and subject to the penalties contained in Titles 17 and 18, U.S.C.

7. INQUIRIES

- a. Direct inquiries or requests for changes to this Directive to the Information Technology Coordinating Staff, 4700 River Road, Unit 101, Riverdale, MD 20737 or call 301-734-5328. FAX: 301-734-7965.
- b. Copies of current APHIS directives can be accessed on the Internet at *www.aphis.usda.gov/library*.

/s/ William Hudnall
Deputy Administrator
for MRP Business Services